

# Notice of Allowability

Application No.

09/997,018

Examiner

Haythim J. Alaubaidi

Applicant(s)

WILENS, PETER

Art Unit

2168

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to After Final amendment filed on January 30, 2006.
2. ☒ The allowed claim(s) is/are 4,5,20-22 and 32-34.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 2/7/06.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

### **DETAILED ACTION**

1. This communication is in response to the After Final amendment filed on January 30, 2006.
2. Claims 4-5, 20-22 and 32-34, are presented for examination following the amendment filed on January 30, 2006.
3. The Examiner acknowledges the cancellation of Claims 1-3, 6-19, 23-31 and 35-40.
4. Claims 4-5, 20-22 and 32-34 are allowed over the prior art of record following the Examiner amendment below.

### **EXAMINER'S AMENDMENT**

5. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with attorney Todd Moore on February 07, 2006.

The Examiner amendment to the claims are based on the claims as filed on January 30, 2006 after final amendment:

- a. Claim No. 4, Line No. 16, delete the first occurrence of the word "subscribers" and insert - -final similarity- -; also delete ":", and insert - -. - -;
- b. Claim No. 32, Line 14, delete the first occurrence of the word "subscribers" and insert - -final similarity- -;
- c. Claim No. 33, Line 14, delete the first occurrence of the word "subscribers" and insert - -final similarity- -; and
- d. Claim No. 34, Line 15, delete the first occurrence of the word "subscribers" and insert - -final similarity- -.

***Allowable Subject Matter***

- 6. Claims 4-5, 20-22 and 32-34 are allowed over the prior art of record.
- 7. The following is the Examiner's statement of reasons for the indication of allowable subject matter:

Regarding Claims 4, 20 and 32-34, Applicant's particular Method for grouping subscribers by common preferences is grouping said subscriber with at least two of said fellow subscribers by applying an algorithm to determine a level of similarity between said subscriber and said fellow subscribers, wherein preference disclosed in said subscriber's profile information are assigned integer values concatenated to form a lookup key, and used to access an entry in a table containing the corresponding similarity value between the two preferences; and the limitation of summing similarity values for all profile preferences to create a final similarity total for said subscribers in combination with the other limitations of the claims, was not disclosed by, would not

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have been obvious over, nor would have been fairly suggested by the prior art of record or that encountered in searching of the prior art.

Dependent Claim 5, being further limiting to independent Claim 4; dependent Claims 21-22, being further limiting to independent Claim 20, definite and enabled by the Specification are also allowed.

***Points of Contact***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haythim J. Alaubaidi whose telephone number is (571) 272-4014. The examiner can normally be reached on Monday - Friday from 8:00 AM to 4:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (571) 272-4023.

Any response to this office action should be mailed to:

The Commissioner of Patents and Trademarks, Washington, D.C. 20231 or Faxed at our central fax number (571) 273-8300.

Hand-delivered responses should be brought to the Customer Service Window of the Randolph Building at 401 Dulany Street, Alexandria, VA 22314



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Patent Examiner  
Technology Center 2100  
Art Unit 2168